

1 LAUREEN P. FRISTER, ESQ.  
2 Nevada Bar No. 13217  
3 E-Mail: [Laureen.Frister@lewisbrisbois.com](mailto:Laureen.Frister@lewisbrisbois.com)  
4 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
5 6385 S. Rainbow Blvd., Suite 600  
6 Las Vegas, NV 89118  
7 Telephone: 702.893.3383  
8 Facsimile: 702.893.3789

9 ERIC Y. KIZIRIAN, ESQ.  
10 California Bar No. 210584 (*Pro Hac Vice*)  
11 E-Mail: [Eric.Kizirian@lewisbrisbois.com](mailto:Eric.Kizirian@lewisbrisbois.com)  
12 **ELEONORA ANTONYAN, ESQ.**  
13 California Bar No. 338379 (*Pro Hac Vice*)  
14 E-Mail: [Eleonora.Antonyan@lewisbrisbois.com](mailto:Eleonora.Antonyan@lewisbrisbois.com)  
15 **ALEXANDRA K. CHRISTENSEN, ESQ.**  
16 California Bar No. 346340 (*Pro Hac Vice*)  
17 E-Mail: [Alexandra.Christensen@lewisbrisbois.com](mailto:Alexandra.Christensen@lewisbrisbois.com)  
18 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
19 633 West 5<sup>th</sup> Street, Suite 4000  
20 Los Angeles, California 90071  
21 Telephone: 213.250.1800  
22 Facsimile: 213.250.7900

23 *Attorneys for Defendants Live Nation  
Entertainment, Inc., Live Nation Worldwide,  
Inc., C3 Presents, LLC, and Front Gate  
Ticketing Solutions, LLC*

24 UNITED STATES DISTRICT COURT

25 DISTRICT OF NEVADA, SOUTHERN DIVISION

26 ERIN J. PAXSON,

27 Plaintiff,

28 vs.

29 LIVE NATION ENTERTAINMENT, INC., a  
30 Delaware Corporation; LIVE NATION  
31 WORLDWIDE, INC., a Delaware  
32 Corporation; C3 PRESENTS, LLC, a  
33 Texas Limited-Liability Company; FRONT  
34 GATE TICKETING SOLUTIONS, LLC, a  
35 Delaware Limited-Liability Company,  
36 JOHN ROE COMPANIES NOS. 1-5, ROE  
37 BUSINESS ENTITIES NOS. 1-20; AND  
38 DOE INDIVIDUALS NOS. 1-100,

39 Defendants.

40 Case No. 2:24-cv-00907-APG-EJY

41 **STIPULATION AND ORDER  
42 WITHDRAWING DEFENDANTS' MOTION  
43 TO COMPEL ARBITRATION (DOC. 13)  
44 WITHOUT PREJUDICE AND SETTING  
45 NEW BRIEFING SCHEDULE  
(SECOND REQUEST)**

1                   **STIPULATION AND ORDER WITHDRAWING DEFENDANTS' MOTION TO COMPEL**  
 2                   **ARBITRATION (DOC. 13) WITHOUT PREJUDICE AND SETTING NEW BRIEFING**

3                   **SCHEDULE**  
 4                   **(SECOND REQUEST)**

5                   Plaintiff ERIN J. PAXSON ("Plaintiff") and Defendants LIVE NATION  
 6                   ENTERTAINMENT, INC., LIVE NATION WORLDWIDE, INC., C3 PRESENTS, LLC, and  
 7                   FRONT GATE TICKETING SOLUTIONS, LLC (collectively "Live Nation" or "Live Nation  
 8                   entities" or "Defendants"), by and through their counsel of record hereby respectfully submit  
 9                   this Stipulation and Order to (1) withdraw Defendants Motion to Compel Arbitration (Doc.  
 10                  13) without prejudice to refile; and 2) set the briefing schedule for the refiled Motion to  
 11                  Compel Arbitration.

12                   **REASON FOR WITHDRAWAL**

13                   While investigating the facts surrounding Plaintiff's assent to the Live Nation entities  
 14                  Terms of Use in response to the arguments asserted in Plaintiffs' Opposition to Defendants'  
 15                  Motion to Compel Arbitration (Doc. 26), Defendants discovered that the process for  
 16                  customers to assent to the Terms of Use was different in August 2021 than previously  
 17                  thought. Rather than assent to the Terms of Use upon signing-up for an account, customers  
 18                  were presented with the Terms of Use upon checkout.

19                   While Defendants still assert a valid arbitration agreement exists between Plaintiff  
 20                  and the Live Nation entities, Defendants recognize that these newly discovered facts may  
 21                  impact the parties' arguments in support of, or in opposition to, a Motion to Compel  
 22                  Arbitration. In the interest of fairness and full candor, Live Nation disclosed the newly-  
 23                  discovered facts to counsel for Plaintiff and, following their meet and confer regarding this  
 24                  issue, the parties respectfully request the Court allow Defendants to withdraw the current  
 25                  Motion to Compel Arbitration (Doc. 13) without prejudice and to refile the motion to compel  
 26                  arbitration as a new motion grounded in the newly discovered facts. Plaintiff reserves all  
 27                  rights with respect to how she will address the new Opposition.

28                   Defendants contend that allowing Defendants to withdraw the current Motion to  
 29                  Compel Arbitration (Doc. 13) will make for a more factually accurate record and frame the

1 issues based on the correct factual record concerning Plaintiffs' agreement (or lack thereof)  
2 to arbitration while providing Plaintiff with an opportunity for a fulsome opposition.

3 **PROPOSED BRIEFING SCHEDULE**

4 The parties stipulate, subject to Court approval, to the following refiling and briefing  
5 schedule for Defendants' Amended Motion to Compel Arbitration based on certain  
6 scheduling conflicts and previously planned family vacations of the parties' respective  
7 counsel:

8 Defendants' Amended Motion: June 21, 2024  
9 Plaintiff's Opposition: July 19, 2024  
Defendants' Reply: July 29, 2024

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This stipulation is made in good faith and not for the purpose of delay.

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This is the second extension of time requested by counsel.

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DATED this 18th day of June, 2024.

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THE702FIRM

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/s/ *Joel S. Hengstler*

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JOEL S. HENGSTLER, ESQ.  
Nevada Bar No. 11597  
Attorney for Plaintiff

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DATED this 18th day of June, 2024.

LEWIS BRISBOIS BISGAARD &  
SMITH LLP

/s/ *Laureen P. Frister*

LAUREEN P. FRISTER, ESQ.  
Nevada Bar No. 13217  
Attorney for Defendants

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**ORDER**

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IT IS SO ORDERED.

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Dated this 19th day of June, 2024.

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25 U.S. DISTRICT COURT JUDGE

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